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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SHINGLES, KRISTIE D	

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/597,704	VOOIS ET AL.	
	Examiner	Art Unit	
	Kristie Shingles	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-22 are pending.

RESPONSE TO AMENDMENTS

1. No claims have been amended.

RESPONSE TO ARGUMENTS

2. Applicant's arguments filed 7/3/2006 have been fully considered but they are not persuasive.

A. Regarding claim 1: Applicant argues the similarity of claims 1, 15 and 20, asserting that the discussion of claim 1 "fails to provide correspondence to a variety of claimed limitations" asserted in claims 15 and 20. Applicant further argues that the previous Office Action fails to cite portions of the prior art reference, *Huang et al* (6,836,478), corresponding to the claimed limitations directed to "a computer having a display, a user interface, and a programmable controller.

A.1. Examiner respectfully disagrees. Independent claims 1, 15 and 20 are substantially similar in inventive scope—the similarity is not solely based on identical claim language but rather equivalent functionality of the claim language wherein the same scope is supported. An overview of the claimed limitations of independent claims 1, 15 and 20 illustrates the apparent similarities in scope and functionality. In substance, claim 1's user-programmable arrangement includes: a computer with a display, a user interface and a programmable controller with a control interface display able to provide user-selected IP telephony configuration data to a

control center coupled to other IP telephony devices with the IP telephony configuration data selected to control and configure communication between the control center and other IP telephony devices. Claim 15, substantively includes: a user-interface device with a display capable of providing IP telephony configuration data and selections via the display from the user to a CPU, a programmable CPU coupled to the user interface device with an OOP interface, a microprocessor able to receive IP telephony configuration selections from the user-interface device and thus control selected functions of the selected IP telephony devices. While claim 20, substantively claims IP telephony devices, a computer station with an OOP interface able to display communications data while providing telephony control selections and a programmable communication server with an IP telephony switch an a OOP interface capable of receiving the communications control selections through the OOP interface to control the IP telephony device. Fundamentally, the independent claims are all directed to user-selected configuration of IP telephony communication information for IP telephony devices—with interfaces to provide interaction with the configuration and communication data, and an IP communications link for transmitting the configuration and communication data.

A.2. In the previous action—regarding claim 1—the recitation of "a computer having a display, a user interface and a programmable controller" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478,

481 (CCPA 1951). Nevertheless, it can be seen that the cited portions of *Huang et al* corresponding to the claimed limitations also teach a computer having a display, a user interface and a programmable controller. In the previous Office Action, *Huang et al* is cited for teaching the limitation of claim 1 claiming, "display a control interface for at least one of: user control of an IP telephony device, office telephone administration control of a plurality of telephony devices, and system administrator control of telephony system configuration" (col.3 lines 58-64, col.5 line 57-col.6 line 13, col.20 lines 20-56). These citations (specifically col.20 lines 20-56, along with various others, i.e.—col.15 lines 58-63, col.17 lines 3-20, col.18 lines 52-59) teach a user display and interface and configurable IP telephony processor. Applicant's arguments are therefore non-persuasive and the rejection under *Huang et al* is maintained.

B. Regarding claims 15 and 20: Applicant argues that the previous Office Action fails to show a "programmable CPU coupled to the user interface...that controls functions of selected IP telephony devices", as claimed in claim 15 and "a programmable server having an IP telephony switch and an OOP interface, with the server controlling a communications network and a plurality of telephony devices in response to received telephony control selections" as claimed in claim 20.

B.1. Examiner respectfully disagrees. *Huang et al* teach the inventive concepts of claims 1, 15 and 20. Regarding claim 15, the citations of *Huang et al* corresponding to the limitations of claim 1 also suffice for a "programmable CPU coupled to the user interface...that controls functions of selected IP telephony devices". Specifically, *Huang et al* teach a user configuring the IP telephony processor by inputting selections on a user-interface device display (col.20 lines 20-56), and multiple broadband gateways being configured via IP tunneling to form an intercom connection between other remote multiple broadband gateways along with a

controller and intercom module to select and configure intercom services for other telephony devices (col.19 lines 8-38).

B.2. Regarding the above limitation of claim 20, *Huang et al* teach "a programmable server having an IP telephony switch and an OOP interface, with the server controlling a communications network and a plurality of telephony devices in response to received telephony control selections" in the above citations and further teaches these features wherein the operating program may be programmed to receive updates by downloading new operating code to the residential gateways (col.3 line 43-col.4 line 31, col.5 lines 49-61, col.9 line 53-col.10 line 23, col.12 lines 15-37, col.17 line 3-col.18 20, col.21 lines 21-44). Applicant's arguments are therefore non-persuasive and the rejection under *Huang et al* is maintained.

CLAIM REJECTIONS - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1 - 22** are rejected under 35 U.S.C. 102(e) as being anticipated by *Huang et al* (6,836,478).

a. **Per claim 1,** *Huang et al* teach a user-programmable communications arrangement including a computer having a display, the arrangement comprising: a user

interface; and a programmable controller, the user interface and the programmable controller being adapted to:

- provide user-selected IP telephony configuration information to a control center communicatively coupled to a plurality of IP telephony devices (Figure 1, col.3 lines 37-48, col.5 lines 16-17, col.7 lines 36-39, col.17 lines 3-20, col.19 lines 49-66; provision for control center realized by the IP central station for IP configuration data to IP terminals);

- display a control interface for at least one of: user control of an IP telephony device, office telephone administration control of a plurality of telephony devices, and system administrator control of telephony system configuration (col.3 lines 58-64, col.5 line 57-col.6 line 13, col.20 lines 20-56; provision for customer provision equipment interfaces and administrator control); and

- the IP telephony configuration information being selected to control communications between, and to programmably configure, the control center and the plurality of IP telephony devices (col.3 line 37-col.4 line 64, col.5 lines 44-61, col.6 lines 50-59, col.9 lines 38-44, col.17 line 3-col.18 line 16, col.19 line s18-38).

b. **Claims 15 and 20** contain limitations that are substantially equivalent to claim 1 and are therefore rejected under the same basis.

c. **Per claim 2,** *Huang et al* teach the user-programmable communications arrangement of claim 1, wherein the computer is adapted to announce an incoming call via the display, the call announce being effected without overtaking currently running applications (col.8 line 49-col.9 line 52, col.20 lines 20-29).

d. **Per claim 3,** *Huang et al* teach the user-programmable communications arrangement of claim 1, wherein the call announce is effected using a locally-installed OOP applet that run in the background of the computer (col.2 lines 3-56).

e. **Per claim 4,** *Huang et al* teach the user-programmable communications arrangement of claim 2, wherein the call announce displays user control options including at

least one of: caller ID, speaker phone, answer, forward to voicemail, hold, and call termination (col.2 lines 30-36, col.9 lines 26-44, col.20 lines 20-29).

f. **Per claim 5,** *Huang et al* teach the user-programmable communications arrangement of claim 1, wherein the user interface includes a graphic user interface (GUI) (col.2 lines 30-36, col.20 lines 20-40).

g. **Per claim 6,** *Huang et al* teach the user-programmable communications arrangement of claim 1, wherein the computer includes one of the plurality of IP telephony devices (col.3 line 59-col.4 line 7, col.19 lines 64-66).

h. **Per claim 7,** *Huang et al* teach the user-programmable communications arrangement of claim 1, wherein the controller is adapted to access personal contact information (col.10 lines 40-49, col.23 lines 21-47).

i. **Per claim 8,** *Huang et al* teach the user-programmable communications arrangement of claim 7, wherein the personal contact information is arranged in a searchable database accessible by the controller, the database being accessible via user-defined shuffle search statements (col.10 lines 40-49, col.11 lines 1-20, col.23 lines 19-47).

j. **Claim 17** is substantially similar to claim 8 and is therefore rejected under the same basis.

k. **Per claim 9,** *Huang et al* teach the user-programmable communications arrangement of claim 1, wherein the controller is adapted to provide a control interface for system administration control of an IP telephony network, the interface being adapted to provide at least one of: IP telephony system configuration and system status information (col.8 lines 29-41).

l. **Per claim 10,** *Huang et al* teach the user-programmable communications arrangement of claim 9, wherein the IP telephony system status information includes at least one of: IP address assignment information for telephony devices, user-access security control level settings, current telephony device hardware settings, display settings for the controller, and telephony device location information (col.7 line 40-col.8 line 2).

m. **Per claim 11,** *Huang et al* teach the user-programmable communications arrangement of claim 9, wherein the control interface is adapted to configure the IP telephony system to control at least one of: telephony device address assignment, user-access permissions, system report generation, display settings for the controller, voice mail parameters, IP telephony device hardware configuration, system backups, call routing protocol, call accounting, email configuration settings and call logging (col.7 line 40-col.8 line 2, col.11 lines 36-54).

n. **Per claim 12,** *Huang et al* teach the user-programmable communications arrangement of claim 1, wherein the computer is adapted to use OOP for providing the user-selected IP telephony configuration information to the control center (col.3 line 49-col.4 line 64, col.5 line 44-col.6 line 48, ol.9 lines 38-44, col.15 lines 32-50, col.17 line 21-col.18 line 20, col.21 lines 21-44).

o. **Claims 16 and 19** are substantially similar to claim 12 and are therefore rejected under the same basis.

p. **Per claim 13,** *Huang et al* teach the user-programmable communications arrangement of claim 1, wherein user control of an IP telephony device includes active call control and call receive settings including at least one of: speaker phone activation, call answer, call forward to voicemail, call forward to another number or IP telephony address, call hold, call

termination, display of caller ID, speed dial, call transfer, redial, voicemail forwarding, voicemail messaging, multi-party calling call muting, video control, and remote access control for remote access to telephony services (col.11 line 55-col.12 line 14, col.20 lines 24-36, col.21 lines17-21).

q. **Per claim 14,** *Huang et al* teach the user-programmable communications arrangement of claim 1, wherein each of the plurality of IP telephony devices includes a CPU, and wherein the user interface and controller are further adapted to: provide user-selected email configuration information to a control center communicatively coupled to each CPU; display a control interface for at least one of: user control of email configuration, office administration control of the plurality of CPUs, and system administrator control of email system configuration; and the email configuration information being selected to control communications between, and to programmably configure, the control center and the plurality of CPUs (col.3 line 59-col.4 line 7, col.11 lines 36-54, col.19 lines 64-66, col.20 lines 20-65).

r. **Per claim 18,** *Huang et al* teach the user-programmable communications controller of claim 17, wherein the memory storage device is adapted to send display information to the user-interface device using OOP, the display information including available IP telephony communications selections (col.20 lines 20-65).

s. **Per claim 21,** *Huang et al* teach the user-programmable communications control system of claim 20, wherein the scope of communications control selections that can be made at the computer station is controlled by the programmable communications server based on a predefined user-access permission level (col.11 lines 43-61, col.20 lines 20-41, col.20 line 46-col.21 line 15).

t. **Per claim 22,** *Huang et al* teach the user-programmable communications control system of claim 20, further comprising a plurality of computer stations, wherein programmable communications server is adapted to receive communications control selections from each of the plurality of computer stations (col.3 lines 58-col.4 line 10, col.4 lines 17-64, col.9 lines 3-12, col.9 line 53-col.10 line 50).

CONCLUSION

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Kung et al (6,826,173), Gandhi et al (2005/0267935), Kaczmarczyk et al (6,950,441), Gu et al (6,892,230), Scott et al (6,760,324), Creamer et al (6,411,697).

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner

kds

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SUPERVISORY PATENT EXAMINER